

The Labor Courts

Tel Aviv Jaffa District Labor Court

Labor Case 006245/01

Labor Case 7704/03

Before the Hon. Justice Ilan Itach

December 20, 2007

Public Representative (Employers) Mr. Amiram Miller

Public Representative (Employees) Mr. Maoz Halevy

Q. What can you tell about the relationship between the Plaintiff and the Second Defendant?

A. I witnessed a few phone calls that usually took place. At the end of a work day when we'd go home from The Venetian hotel to the Second Defendant's home, there were telephone calls that I witnessed and there were additional calls that would come in in the morning if I was present in the house from time to time I would answer the phone and I'd transfer the calls to the Second Defendant.

Q. Were you present at the Plaintiff's termination?

A. I was around. I traveled with the Second Defendant when he informed the Plaintiff that the relationship was in fact over. I sat in the car, I didn't witness the conversation.

Q. Describe the routes and the time frames from the time of landing at the airport in Macau until entering Hong Kong.

A. Usually at the landing a bus would wait for us and pick us up from the plane with the equipment, the bus would drive us to the passport control terminal. Takes about 15-20 minutes. Passport control when I was there it was without waiting – there were no passengers, maybe 5 minutes. Walking to the cars loading the cars another 5-10 minutes or so, driving to the ferry terminal, if I'm not mistaken 15-20 minutes, need to unload the cars again, load the equipment onto the carts, passport control again, and going down towards the ferry I assume also about a quarter of an hour. From there the ferry leaves, after the passengers board, a trip of about an hour give or take to Hong Kong. There you need to go up to a higher level I think, there's passport control again, a little more crowded because other ships are coming in. Another 20 minutes to get through passport control

Q. And from there to the hotel how long?

A. If I'm not mistaken it's about half an hour. All I remember the heavy traffic towards the hotel and I assume it's half an hour.

Q. Why did you stop working for the Adelson family?

A. I didn't stop it was stopped for me, I was fired in my personal opinion the main reason I was fired was because I was very close to Mr. Adelson he asked me to join all the trips to join him. I estimate that Mr. Zohar Lahav felt threatened by this relationship. And it created some sort of tension. The

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official reason I was fired was that I didn't tell Mr. Lahav the truth I was supposed to check the Adelson family home on one of their trips and I lied to him, I didn't check and I said that I did check. Then I was suspended for two days and after two days I got a phone call from Mr. Lahav who informed me that I was fired. That was the end of my relationship with the Adelson family.

Q. Did you get money that was due to you?

A. I had to sign a form that said dishonesty that I didn't tell the truth. This was after Mr. Lahav told me that if I ever wanted to see the money that was due to me I'd better sign the form otherwise I wouldn't get the money I was entitled to. At the end I got the money. I didn't get the unemployment money. Zohar Lahav told the Adelson family that I intended to sue The Venetian hotel and I was consequently barred from getting the unemployment money.

Q. Were there any flights that you flew with Adelson other than in his private jet?

A. There were some such flights, once we flew with the Chinese airline, once inside China, and I believe there was another flight. I can't remember from where to where.

Q. This is flights with scheduled airlines?

A. Yes.

Recess

After recess

Cross examination

Q. You in September '02 you were terminated?

A. Right.

Q. What was the background against which you were terminated, I'm explaining to you and you confirm to me, among your duties as a security person of the Second Defendant's was making security checks at his house, in a certain number and at certain times you didn't do this check that you were supposed to do and you said that you did, you were caught lying, and that's why you were terminated, is that right?

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A. That's part of the reason, yes. There are other things as well. There's a lot of politics within the team itself.

Q. There were two things here first you didn't perform a security task that you were supposed to perform and second you were caught lying – you will agree with me that that's an excellent reason to fire a security man?

A. Right.

Q. I'm reminding you, on July 15 of this year you spoke on the phone with Mr. Sean Ben Menachem. When he asked you whether you'd be prepared to meet with us with the Second Defendant's lawyers in order to give an affidavit in this case, right?

A. He already knew that I'd been summoned.

Q. My question was different, and I'm repeating it.

A. Right.

Q. And is it true that in that conversation you told Sean Ben Menachem "Sheldon and Miri ruined my life"

A. I don't remember exactly what was said in the conversation.

Q. But is that what you think?

A. Could be.

Q. Is it true that in that conversation you said that Lahav Zohar, sent by the Second Defendant, made sure that you wouldn't get unemployment money?

A. I don't remember whether I mentioned the Second Defendant but I said it about Mr. Lahav.

Q. Is it true that in that conversation you said that your son needed medication and treatments at that time and because you didn't get the unemployment pay because of Zohar and the Second Defendant you didn't have money for such medication and treatments.

A. Right.

Q. Is it true that you also said "you know exactly how hard it is to work for them in the end they treat me like a dog"

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A. Right.

Q. And you also said to Mr. Ben Menachem "I got divorced, you got divorced, Oren got divorced, Doron got divorced, it's not by chance"?

A. That's not true. I didn't say that. This is an issue that Sean Ben Menachem raised, I raised that I got divorced following my termination and Sean brought up the other people.

Q. In any event you think that your divorce was caused because of the termination.

A. Also because of the termination.

Q. And is it true that in that conversation you told Ben Menachem that after you were fired you were left without an income and you had to leave for Canada and you were left with many debts

A. Not in that order. I had to leave Las Vegas for other employment, not in Canada, Canada came much later.

Q. But the rest is true that you had to leave Vegas because you were left with a lot of debts.

A. That's true.

Q. Is it true that in that conversation you said that because of your termination you lost contact with your son?

A. Not exactly like that. According to what I remember, I have continuous contact with my son, but following my divorce of course I won't be at home like a married couple living together.

Q. To conclude, you feel bitterness and have grievances against the Second Defendant and his wife?

A. I have certain bitterness of course, but my bitterness isn't related to this issue on which I was called to testify.

Q. You mentioned the phone call that you had with me and I would like us to refresh our mutual memory, I talked to you and asked you to meet with us with the Second Defendant's lawyers for you to give us an affidavit – is that right?

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A. Whoever spoke to me told me that he knew what happened you told me that you already know what happened I according to my memory told you that Mr. Adelson and I were at a place together and you I don't know.

Q. I asked you to meet with me to give us an affidavit.

A. Could be.

Q. You conditioned the meeting with me on that before the meeting with me you'd meet with the Second Defendant. Is that right?

A. I told you that the only person I would agree to talk to is Mr. Adelson.

Q. I'm reminding you, you said first I'll meet with Adelson and then I'll meet with you.

A. I don't remember in that order.

Q. Do you remember a different order?

A. I remember that I agreed to meet only with the Second Defendant.

Q. Do you remember that I refused and explained to you that it might seem that if you met with the Second Defendant before you met with me it could look like you gave me the affidavit because of something to do with the meeting with the Second Defendant and that's why I didn't agree that you'd meet the Second Defendant until the end of the trial.

A. That's not true. I don't remember it being so. The first conversation I don't remember it.

Q. You don't remember that I called you and the subject of the conversation in Canada?

A. The first conversation went so: You called me and immediately brought up the subject of what happened in this case and started talking to me about the issue of the trial and I told you that I didn't know you you stopped and answered that you were told that you could talk to me and I said right we can have small talk but not about that subject.

Q. Didn't you say in the first conversation that you wanted to meet with the Second Defendant.

A. I may have done. The only person I was prepared to meet was Adelson.

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Q. In our first conversation didn't I ask you to meet with me for you to give an affidavit.

A. I don't remember that.

Q. You have a relative in your family who's a lawyer.

A. Yes.

Q. How do I know.

A. We spoke about it. We spoke in the second conversation.

Q. We spoke about it in the following context: I told you after you told me that your sister was a lawyer ask her so that she'll explain to you why I didn't agree for you to meet with Mr. Adelson before you met with me because I wanted to prevent any claim that the affidavit that you'd give me was influenced by your having met him -- is that right?

A. I don't remember it that way.

Q. Then in what context did your sister come up?

A. We spoke and during the conversation I told you that my sister was a lawyer in Israel.

Q. How come you told me that?

A. I don't remember in what context it came up.

Q. Try to reconstruct?

A. I don't remember in what context it came up.

Q. Is it true that a short while ago about 3 weeks ago you approached us through a common friend of Doron Bitan's and said that you agreed to meet with me provided that after the meeting with me you would meet with Mr. Adelson is that right?

A. No. You told me in the second conversation before last Yom Kippur that if I wasn't prepared to sign an affidavit for you then I would meet Mr. Adelson after the trial.

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- Q. What I told you is that you wouldn't be able to meet Mr. Adelson so long as the trial was pending – right?
- A. I understood it differently. If I signed the affidavit for you it would be more comfortable for you to arrange a meeting for me with Mr. Adelson after I signed an affidavit. That was in the second conversation. That I actually remember.
- Q. 3 weeks ago, you approached us through a common friend of Doron Bitan's and said that you were prepared to meet with me provided that afterwards you would meet with the Second Defendant.
- A. I don't recall such a thing.
- Q. Is it possible that such a thing happened?
- A. I don't recall.
- Q. If Doron Bitan says that such a thing happened
- A. He can say whatever he wants
- Q. All of these conversations in which you expressed a wish to meet with the Second Defendant, were after it was clarified that you would be summoned as a witness on behalf of the Plaintiff?
- A. Right.
- Q. Why did you want to meet with the Second Defendant specifically before giving your testimony?
- A. I wanted to talk to the Second Defendant in order to understand... I understood from Mr. Adelson during the period of my employment that our relationship was very close and I didn't understand how all of a sudden a person is fired in such a way without anything simply being thrown into the street and in a conversation that I had with another person called Ziv I understood that one of the reasons for my termination was that I was close to Adelson.
- Q. I repeat the question, why did you want to meet with the Second Defendant specifically before giving your testimony?

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A. Pressure was applied to me on behalf of the lawyers, I never approached Mr. Adelson, you wanted to talk I too have my own conditions, I never approached Mr. Adelson and after being approached by Scan and Adelson's lawyer I wanted to talk to the Second Defendant.

Q. First I noticed that you used the expression "I have my own conditions" the meeting with Mr. Adelson was presented as a condition to what?

A. I just wanted to meet Mr. Adelson, you had the condition of meeting me before Adelson. And just like you wanted me to sign your affidavit for you before the meeting I wanted to meet him before I thought what to do.

Q. A condition to what?

A. To nothing.

Q. You referred to a meeting with the Second Defendant and used the words "my own conditions" – and I'm telling you that the meeting with Mr. Adelson was a condition to meeting with me? Is that right.

A. I wanted to meet Mr. Adelson

Q. As a condition to meeting with me?

A. I just wanted to meet Mr. Adelson.

Q.A. To the Court's question whether the meeting with Mr. Adelson was a condition to meeting with the lawyer I respond that it wasn't.

Q. Why did you want to meet with Mr. Adelson specifically before your testimony here?

A. That's not true. In the second phone call I clarified to you that I wouldn't sign an affidavit and you said to me O.K. you'll meet with Mr. Adelson after the trial.

Q. After you had already told the Plaintiff that you would testify for him in the trial didn't you feel threatened to go and talk to the Second Defendant? Weren't you afraid?

A. I wasn't afraid of talking to him.

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Q. You said that in the conversation with Mr. Adelson you wanted to understand why you were fired? My question is is there anything else you wanted to achieve at the meeting?

A. Yes. I wanted to close a circle. I wanted a farewell conversation with Mr. Adelson just like any person was entitled to according to what I understood from Mr. Adelson's secretary that there was a farewell conversation something I was denied of when Zohar Lahav told Adelson not to talk to me. Then I understood that there were things that Mr. Adelson didn't know and in my opinion in addition to that I lied to Zohar other things were added that were said to the Second Defendant.

Q. And you wanted a farewell conversation?

A. That's what I wanted.

Q. 5 years or so since your termination, and you before your testimony want a farewell conversation with Mr. Adelson.

A. I wanted the farewell conversation immediately after I was fired. It doesn't matter when, I wanted.

Q. You've known the Plaintiff for many years

A. I know the Plaintiff from my work for Mr. the Second Defendant [sic].

Q. How many years have you known the Plaintiff?

A. I don't know how many years – I met him maybe once twice in phone calls that I witnessed or that I answered, or when I transferred calls from the Plaintiff to the Second Defendant, I didn't have any contact with the Plaintiff.

Q. How did you find out that the Plaintiff had claims against the Second Defendant with respect to Macau.

A. I met with the Plaintiff's wife in Las Vegas and then I found out

Q. When was that

A. I don't remember exactly the exact date, it was when I lived in Las Vegas. I lived there until last February = the 22nd of the month 3/07

Q. How did you meet with the Plaintiff's wife?

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A. I don't remember exactly how they approached me, probably a phone call. I don't remember how it was. We met at a restaurant in one of the hotels.

Q. How did they find you.

A. I don't know. That's a question for the Plaintiff.

Q. Who spoke to you,

A. Mr. Hananel's wife.

Q. She called you the first time

A. I don't remember who called I remember the meeting itself.

Q. There are so many things you travel in 2000 – you're in Vegas living your life all of a sudden you get a phone call informing you about a dispute between the Plaintiff and the Second Defendant and you don't remember the call.

A. I remember a meeting but not the call.

Q. What was said to you in the call.

A. I don't remember a phone call. I remember a meeting. If I'd remembered the phone call I would have told you.

Q. In connection with the call you don't remember anything?

A. There was probably a phone call because the result was a meeting. Beyond that I don't remember who called and what the content of the conversation was.

Q. But it's not that you suddenly met the Plaintiff's wife.

A. I don't remember every phone call. I don't remember things from before the meeting.

Q. And since that meeting forth you stayed in touch with the Plaintiff and his wife throughout the period since then until now?

A. Not exactly. I didn't call and I didn't make contact every so often they'd call me and we'd talk. I now live in Canada.

Q. How did they find you in Canada?

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A. They knew because I told them. Second my mobile phone from Las Vegas still works there.

Q. Did you tell them you were moving there?

A. Yes.

Q. After the first call with Mrs. Hananel you spoke to them another few times.

A. A few times.

Q. In connection with things you would say in your testimony?

A. It's not exactly in connection with the testimony.

Q. Then what did you talk about

A. There were questions to see my passport,

Q. That's in connection with your testimony here

A. Yes. I didn't understand the question.

Q. Did they ask you to sign an affidavit.

A. Never.

Comment:

The persons present are removed from the courtroom and only the parties' counsel remain.

The Plaintiff's counsel:

The Plaintiff was unable to obtain an affidavit from him, the witness was overseas even if he would have been prepared to give an affidavit we had no possibility to bring him to have him sign, I didn't talk to him then, and that's what I was told, I was told by the Plaintiff that the witness had said that he asked to be summoned to the Court and he would testify. He would receive a summons and he would honor it. And he'd come. That's what I was told that the witness had said. Second, similarly to the other witnesses from overseas a witnesses who is overseas we had no contact with him. That's the notice.

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Continued cross-examination:

To the Court's question:

Q. Why didn't you give an affidavit?

A. I was never asked to sign an affidavit.

Comment:

The persons present are removed from the courtroom and only the parties' counsel remain.

The Defendants' Counsel:

I ask that the testimony be set aside. Since the filing of testimonies will be done by way of an affidavit. The only exception to the instruction is in the event that a witness refuses to sign an affidavit, after having been asked to do so, since the case of this witness does not fall within this exception, since he was never asked to sign an affidavit as he clarified twice explicitly it follows that his testimony was submitted unlawfully, and should therefore be set aside.

The Plaintiff's Counsel:

First that was not the decision, it's only a witness who refuses. The decision to the best of my recollection said that a witness from whom no affidavit could be obtained, it will be specified on what he will be testifying the Plaintiff was not examined on this matter, after 3/4 of an hour of cross examination, the Defendants ask to set aside his testimony, the Defendants have not indicated any injury that was caused to them and in any event we stand behind the notice that was given that that's what the witness said that he asked to be summoned and that were unable to obtain an affidavit from him.

The Defendants' Counsel:

Referring to the Court's decision of August 21, 2006 of the Hon. Justice Tenenbaum, I quote... only in the event that a witness shall refuse to verify his statements in an affidavit, or if either party shall have been unable... he may be summoned to testify while in the motion the party shall specify the reason for the non-filing of the witness's testimony in an affidavit, in the motion that was filed it was said that the Plaintiff asks to summon the witnesses on his behalf from those witnesses the Plaintiff was unable to obtain an affidavit.

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The Plaintiff's Counsel

The Defendants filed a specific motion to set aside the testimonies of 3 witnesses with respect to whom no affidavit was given they were: Oded Efrat...

Comment

The persons present enter.

The Plaintiff responds to the Court's question:

To the Court's question why there was no affidavit of Mr. Koby I respond, the witness was afraid that if he gave an affidavit he didn't remember whether he had signed a confidentiality agreement or not, and if he had signed he was prohibited from giving an affidavit, and what the witness said was I'll come and testify I'm not your witness and not Adelson's what I'll be asked I'll say.

Decision

In the Decision dated August 21, 2006, which was handed down by the Hon. Justice Tenenbaum, he ordered that testimonies be submitted through affidavits, unless the witness refuses to verify his statements in an affidavit (Section 5 of the Decision). As we hear from the witness before us, he was not asked to make an affidavit at all. In his notice of December 17, 2006, in the first part of Section 3, the Plaintiff presented a different version whereby he was unable to obtain an affidavit from the witness Mr. Koby Eric. Here in the hearing we heard from the Plaintiff a version that is not supported by the version of the witness himself. It is a case of an unfair and improper procedural and evidentiary advantage obtained, contrary to the Decision of the Hon. Justice Tenenbaum. However, since the witness is in the courtroom, I believe that for the time being his examination should be completed, and the issue of the admissibility of the testimony left to the stage of the judgment, as well as the issue of the weight that should be given to the testimony, if it is accepted.

Issued today, Tevet 11, 5768 (December 20, 2007), in the presence of the parties.

Justice Ilan Itach

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Q. You were shown a brochure earlier Annex N to the Plaintiff's affidavit, and you said that you saw it on the plane, are you sure of that?

A. I saw something similar to that.

Q. That or similar to that?

A. Similar to that. I remember the name Red Sea and another few pictures that were inside.

Q. Is it the first time you saw this brochure on the plane?

A. There were a lot of brochures² on the plane. I don't remember when was the first time I saw this brochure but I remember the name because it has meaning. It had something to do with Red Sea and Red China.

Q. Did it say Red China on the brochure?

A. I didn't say that.

Q. Then from whom did you hear about the connection between Red Sea and Red China?

A. Whoever was on the plane with me. Either Mr. Adelson or Mrs. Adelson or one of the passengers that were on the plane. I remember the name and because of that I remember the brochure.

Q. Do you remember on which flight you saw the brochure?

A. No. I don't remember on which flight.

Q. I want to focus with you on the March 2000 trip. You said in your testimony that after the landing "if I'm not mistaken we went around there". I propose to you that on that trip after landing you didn't go around Macau and it was on another trip. What do you say?

A. I remember segments from that trip. I remember in that trip we boarded a casino ship in Hong Kong.

Q. I propose to you that in that trip you didn't go around Macau. Is that possible?

A. I remember by way of snapshots, I remember us going around Macau.

² Translator's note: חוברות, could also refer to magazines, journals, booklets etc.

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Q. If you went around Macau, who went around?

A. I don't care about other people but about the one I work for.

Q. You explained that you remember by way of snapshots, who appears in the snapshot of you going around?

A. There was Mathew Ma, if I'm not mistaken Ronald Yohan and a girl by the name of Tina that I don't know exactly how they work in the hotel. They were the Chinese representatives and I saw them a lot at the hotel in Las Vegas.

Q. How can you know that that snapshot is attributed to the March 2000 trip and not to one of the other trips you took part in?

A. Because it was my first trip. I had a photograph taken of me with the Second Defendant on the ferry on the way to Macau and I photographed some of the people in the plane, I believe also with Mathew.

Q. Where in Macau did you go around in this trip of March 2000?

A. I remember a casino on the second floor. I don't remember the exterior building. It was a casino that you had to go in wearing a suit. Apart from the casino I don't remember if we went around other places.

Q. You said in your testimony "you remember... p. 98 lines 27-29³... vaguely what I remember" – I propose to you that in the March 2000 trip you didn't stop at a casino, what do you say?

A. That's your opinion. I remember what I remember. I remember some of the experiences I had in that period.

Q. Who are the people with whom Mr. Adelson met at the casino according to you?

A. I don't know. I usually didn't know who he was meeting with. I also don't remember with how many people he met. They looked Chinese.

Q. How can you be sure it's the March 2000 trip?

A. I remember according to certain snapshots. That's what I remember.

³ Translator's note: All references to locations in the transcript are to the Hebrew original.

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Q. On p. 100, lines 1, 2 you said that in the first trip there was a dinner at the Governor's house, I propose to you that in the first trip there was no dinner at the Governor's house.

A. I don't remember when the meetings with the Governor were.

Q. And what about the snapshots, there's a first trip when you had photographs taken on the plane, a dinner at the Governor's house you don't remember?

A. I remember what the Governor's house looks like. I have pictures from the first trip to Macau. I didn't say that the dinner at the Governor's house was specifically on this trip. I don't remember on which trip it was. Maybe the second and maybe the fourth. It could be.

Q. The only snapshot you have is of you⁴ stopping at a casino on the first trip?

A. Yes. I remember how we got to Macau and how we got off the plane and what I said in the testimony about the passport control and the absence of a visa.

Q. On this trip do you remember receiving documents from the Second Defendant?

A. Every trip we'd get documents for loading the plane and unloading.

Q. Do you remember specific documents that you received on this trip?

A. No. The only document I remember is P/34 – the itinerary.

Q. When you were asked earlier when you were in Macau again, I'm referring to p. 99, line 19, and you answered that there was a trip in 2001, there was a trip to the East around 2000, when they found the submarine". When you say around 2000 do you mean this trip of March 2000 or another trip in 2000?

A. There was another trip apart from that in March 2000. I assume there was a trip.

Q. Were you in Macau again?

The Plaintiff's Counsel:

He's already answered that he assumes he was in Macau and he's already answered six times.

⁴ Translator's note: Stated in the plural.

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Q. Were you in Macau again with Mr. Adelson in 2000 beyond the trip of March 2000?

A. I think so.

Q. Please describe to the Court the additional trip in 2000.

A. I remember a trip to Beijing and to Shanghai and it was the trip when they found the Dakar or something to do with the Dakar.

Q. Were you in 2000 in Macau apart from the trip of March 2000?

A. I think so. I don't have the Israeli passport.

Q. What do you remember from this trip?

A. Mainly from the People's Republic of China.

Q. I'm telling you that you weren't in Macau with Mr. Adelson again in 2000, what do you say?

A. I don't have the Israeli passport. I don't know.

Q. You mean you don't have it here?

A. The Israeli passport in question expired and I didn't keep it and between my moving to the house that I left and Canada it's there somewhere. It may very well be that I have it.

Q. Are you prepared to look for it and send it?

A. I am.

Q. Do you remember your trip with the Second Defendant in 2001 to Macau.

A. In 2001 I don't remember the trip. I don't have a snapshot in my memory from the trip.

Q. If so, why when you were asked on p. 99 lines 16-19 were you in Macau again, you answered yes, you were asked when and you said there was a trip in 2001.

[Emblem of the State of Israel]

The Labor Courts

Tel Aviv Jaffa District Labor Court

Labor Case 006245/01

Labor Case 7704/03

Before the Hon. Justice Ilan Itach

December 20, 2007

Public Representative (Employers) Mr. Amiram Miller

Public Representative (Employees) Mr. Maoz Halevy

A. Because in 2001 my son was born and I remember being away from home for at least five weeks before his birth. And the birth was in February 2001 and I assume I was in Macau then.

Q. You assume or you know?

A. I assume.

Q. I want to propose to you that in 2001 you weren't in Macau with Mr. Adelson, what do you say?

A. Could be. I know I was away from home for five weeks.

Q. Your first trip to Hong Kong and Macau on which you accompanied the Second Defendant was in January 2002. Do you remember that trip?

A. I have it in the American passport.

Q. I didn't ask whether you had proof in the passport but whether you remembered this trip?

A. I don't remember this trip specifically.

Q. Do you have a snapshot in your memory from this trip – January 14, 2002?

A. No, I don't.

Q. The second trip to Hong Kong and Macau on which you accompanied the Second Defendant was in March 2002. What do you remember from this trip of March 7, 2002?

A. I remember a trip that appears in the passport. I don't remember a specific trip.

Q. What's the snapshot you have from this trip?

A. I won't lie, I don't remember snapshots. I remember visiting casinos on the trips. In each such trip we usually stayed in Hong Kong and we'd travel back and forth to Macau. When specifically it was I don't remember. But I have the passport that I can prove the trip.

Q. Do you have a specific snapshot from the trip of March 7, 2002?

A. No.

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Q. The next trip on which you accompanied Mr. Adelson to Hong Kong and Macau was in June 2002. What snapshot do you have from this trip?

A. (Inspects an American passport that is taken out of his pocket). I don't have a snapshot.

Q. When was the next trip on which you accompanied the Second Defendant to Hong Kong and Macau?

A. I think my last trip was in July 2002. There was a trip also in June and also in July and from the last trip I do have a snapshot in my memory.

Q. On this last trip, do you remember from where you came to Macau?

A. We arrived on a special flight because we flew in another plane. I don't remember exactly. I think it was from the People's Republic of China. I think Beijing.

Redirect:

None.

The Witness:

I'm not asking to be awarded costs.

Comment:

At the request of the Defendants' Counsel it is stated for the record that Mr. Aryeh Lis is present in the courtroom from the end of his testimony until the end of Mr. Koby Eric's testimony.

The Defendant's Counsel:

We intend in view of my colleague's objection to file a motion to file a diary which to our understanding was written by Ms. Kramer. Within 7 days we'll file a motion. Within 3 days we'll respond.

The Plaintiff's Counsel:

Within 7 days I'll respond to the First Defendant's motion. The Plaintiff's counsel will contact the witness Efrat in order to check why his answer with respect to what he was asked to check has not yet been received. We'll file a report within 7 days.

[Emblem of the State of Israel]

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According to the picture taking shape we won't have any other witnesses beyond those that have testified so far and Adv. Yarkoni.

The Defendant's Counsel:

With respect to the last dispute that remains in the video testimony: The additional camera we'll notify within 7 days whether there's any technological or other impediment.

There's no problem with the Plaintiff's counsel being present at the equipment test that will be carried out before the hearing.

Decision

- 1. Scheduled for continuation of trial on January 17, 2008 at 9:00.**
- 2. All notices and motions will be filed as stated in the foregoing statements of counsel.**

Issued today, December 20, 2007 (Tevet 11, 5768), in the presence of the parties.

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**P.R. (Employees)
Maoz Halevy**

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**P.R. (Employers)
Miller Amiram**

(-)

**Ilan Itach,
Judge**

Nava Yannai